

3. Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1; and
 4. Between the hours of 5:00 p.m. and two hours after sunset on January 1. (Ord. No. 19-07, § 1.)
- (d) **Enforcement.** The Fire Chief of the City of West Lafayette, or his or her designee, or the West Lafayette Police Department is responsible for the interpretation and civil enforcement of this chapter. (Ord. No. 19-07, § 1.)
- (e) **Seizure and forfeiture of consumer fireworks.** Enforcement personnel for the West Lafayette Fire Department or the West Lafayette Police Department may seize and dispose of consumer fireworks that are used in violation of this chapter. (Ord. No. 19-07, § 1.)
- (f) **Penalty.** In addition to the seizure and disposition of consumer fireworks that are used in violation of this chapter, whoever violates any provision of this chapter shall be fined not more than two hundred fifty dollars (\$250.00). A separate offense shall be deemed committed on each day that a violation occurs or continues. (Ord. No. 19-07, § 1.)

Sec. 63.41. Fireworks—Public displays.

Provisions of § 63.40 shall not apply to the licensed and supervised display of fireworks. (Ord. No. 14-11, Appendix A, item 24.)

Any person desiring to have an organized display of fireworks shall comply with the following:

- (a) Obtain a permit from the chief of the fire department.
- (b) The permit must be signed by the State Fire Marshal.
- (c) The display must be under the direct supervision of the chief of the fire department. (Code 1960, §§ 8-4, 8-5.)

Sec. 63.42. Pyrotechnics and fireworks indoors prohibited.

- (a) It shall be unlawful for any person or entity to ignite or otherwise use pyrotechnic special effects material or fireworks indoors (inside any building or structure).
- (b) It shall be unlawful for the owner, lessee, occupant, or manager of a premises to permit the igniting or other use of pyrotechnic special effects material or fireworks indoors.
- (c) An owner, lessee, occupant, or manager who has control of any entertainment venue or other commercial premise shall include in any agreement for use of the premises that igniting or otherwise using pyrotechnics or fireworks indoors is prohibited by this chapter.
- (d) An owner, lessee, occupant or manager who has control of the premises that observes the igniting or other use of pyrotechnics or fireworks indoors on the premises and fails to attempt to stop the use is in violation of this chapter.
- (e) Violation of this chapter shall subject the violator to a civil penalty as follows: a fine of \$2,500.00, with each day a violation occurs or continues being a separate and distinct violation of the chapter. (Ord. No. 17-03 § 1.)

Article V. Open Burning

§ 63.50. Definitions.

For the purposes of this Article, “open burning” is defined as the burning of any materials wherein smoke, ash, or embers are emitted into the air without passing through a stack or chimney. Open burning does not include smoking, as defined by Section 64.01 of the West Lafayette City Code.

§ 63.51. General.

No person shall start, kindle, cause, allow, or maintain any form of open burning on private or public property, except as specifically authorized by this ordinance or except as permitted, in writing, by the West Lafayette Fire Department.

§ 63.52. Exemptions.

Provided that the burning complies with applicable state and federal statutes, regulations, or other law and that the size of the fire does not exceed one foot high by two feet wide and two feet long, the following types of open burning shall be allowed:

(a) The burning of charcoal, clean untreated wood, and other cooking fuels customarily used in an outdoor grill or traditional food cooking devices.

(b) The burning of clean untreated wood in a commercially manufactured outdoor fire pit, commercially manufactured outdoor fire place, or other reasonably safe outdoor fire pit or outdoor fire place provided that:

- (i) The fire is wholly contained within the fire pit or fire place;
- (ii) The fire pit or fire place is covered by a screen if necessary to control the emission of ash and embers;
- (iii) The fire does not constitute a nuisance;
- (iv) The fire is not within 10 feet of combustible materials;
- (v) The fire is not unattended;
- (vi) There is not more than one fire pit or fire place located on the lot.

(c) Burning for bona fide ceremonial or bona fide religious purposes.

§ 63.53. Fire Department.

(a) Even if the burning would be otherwise allowed under this Article, no open burning shall occur if, in the discretion of the West Lafayette Fire Department, said burning represents a danger to the public health, safety, or welfare.

(b) Burning by any government subdivision or government agency for training or other purposes shall not be prohibited by any section of this Article.

§ 63.54. Leaves.

No person shall burn leaves, refuse or any other similar substance except by the express written approval of the West Lafayette Fire Department.

§ 63.55. Enforcement.

Whoever violates any provision of this article shall be fined not more than two hundred fifty dollars (\$250.00). A separate offense shall be deemed committed on each day that a violation occurs or continues.

(Article V. new with Ord. No. 28-10)